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OFFICIAL GOVERNMENT OF GOA GAZETTE



EXTRAORDINARY

GOVERNMENT OF GOA

Department of Rural Development & R.D.A.

Notification

DRDA - N/NREGA/08-09/1199

Whereas certain draft rules which the Government of Goa proposes to make were published in Official Gazette (Extraordinary) Series I No. 5, dated 05-05-2008 and (Extraordinary No. 3) Series I No.7 dated 20-05-2008 for inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the Notification dated 20-05-2008 in the Official Gazette;

And whereas the said Gazette were made available to the public on 05-05-2008 and 20-05-2008;

And whereas no objections and suggestions have been received from the public on the said draft rules.

Now, therefore, in exercise of the powers conferred by Section 4 of the National Rural Employment Guarantee Act, 2005 (Central Act No. 42 of 2005) the Government of Goa hereby makes the following rules, namely:—

1. **Short title, commencement and extent.**— (1) This Scheme may be called the National Rural Employment Guarantee Scheme (GOA).

(2) This Scheme shall come into force with effect from 1st April, 2008 in both the Districts of Goa.

2. **Objectives.**— The National Rural Employment Guarantee Scheme (GOA) shall have the following objectives:

(1) The primary objective of the Scheme is to provide livelihood security to the households in rural areas of both the districts by providing not less than 100 (one hundred) days of guaranteed wage employment in every financial year to every household, whose adult members volunteer to do unskilled and manual work.

(2) Creation of durable assets and strengthening the livelihood resource base of rural poor.

3. **State Employment Guarantee Fund.**— The State Government shall, by notification, establish a Fund to be called the "Goa State Employment Guarantee Fund", to be expended and administered according to the Rules.

4. **Funding pattern.**— (1) The Scheme shall be implemented as a Centrally Sponsored Scheme (CSS) on cost sharing basis between the Centre and the State in the ratio of nearly 90:10.

(2) The Government of India funds shall be utilized for the following:—

(i) 100% cost of unskilled labour wages;

(ii) 75% of material component, wages of semi-skilled and skilled workers;

(iii) Administrative cost;

(iv) The cost of capacity building;

(v) Establishment of Programme Officer with the supporting staff.

(3) The State Employment Guarantee Fund shall be spent for the following:—

- (i) 25% of the material component;
- (ii) 100% unemployment allowance wages;
- (iii) Administrative expenses of the State Employment Guarantee Council;
- (iv) Other expenses related to implementation of the Scheme but not permitted by Government of India guidelines.

Material component includes cost of material, wages to skilled and semi-skilled labourers.

(4) The Government of India and the State Government may release their share of funds to the districts directly, based on the proposals submitted by the District Programme Co-ordinator of that district, through the State Government. The District Programme Co-ordinator shall monitor and release funds to the Programme Officers, based on the demand and utilization of funds in the concerned Talukas. The Programme Officers shall monitor and release funds to Gram Panchayats based on the demand and utilization of funds in that Gram Panchayats.

5. Provision for administrative cost.— The administrative cost of the Scheme shall be as fixed by the Government of India from time to time. The administrative cost includes expenditure towards Information, Education and Communication, Capacity Building, Staff Cost, Management Information System and Operations and Maintenance, etc.

6. Non-Negotiables.— (1) Every registered rural household shall be provided not less than 100 days of age employment, on demand, in a financial year.

(2) Payment of wages shall be made at least once in a fortnight.

(3) Equal wages shall be paid to men and women.

(4) Contractors and labour displacing machinery shall not be engaged.

(5) Only works approved by the Gram Panchayat (identified in the Gram Sabha) at the village level, scrutinized by the Block Development Officer at

the Taluka level and also works approved by the Zilla Panchayat at the District level shall be taken up.

7. Rights and entitlements.— (1) Every adult member whose name appears in the Job Card shall be entitled to apply for unskilled manual work.

(2) All persons belonging to a household and registered shall be entitled to employment under the Scheme for as many days as each applicant may request, subject to a maximum of one hundred days per household in a given financial year.

(3) If an applicant is not provided with such employment within fifteen days of receipt of his/ her application seeking employment or from the date on which the employment has been sought in the case of an advance application whichever is later, he/she shall be entitled to a daily unemployment allowance subject to the entitlement of the household at the rate which shall not be less than one fourth of the wage rate for the first 30 (thirty) days of the financial year and not less than one half of the wage rate for the remaining period of financial year.

(4) As far as possible the applicant shall be provided work within the village. If an applicant is provided employment outside a radius of five kilometers of the village where he/she resides at the time of applying he/she should be paid an extra 10% of the prevailing wage rate to meet additional transportation and living expenses.

(5) Priority shall be given to women in such a way that at least one-third of the wage seekers shall be women who have registered and requested for work.

(6) In case the payment of wages is not made within a fortnight, the workers shall be entitled to receive payment of compensation as per the provisions of the Payment of Wages Act, 1936 (4 of 1936).

(7) There shall be no discrimination solely on the ground of gender and the provisions of the Equal Remuneration Act, 1976 (25 of 1976) shall be complied with.

(8) Workers shall be provided with work site facilities like safe drinking water, shade for children and periods of rest, first-aid box with adequate material for emergency treatment of minor injuries and other health hazards connected with the work.

(9) If the number of children below the age of six years accompanying the workers at any site is five or more, one woman worker shall be engaged to look after the children and she shall be paid wage rate as advisable under the Scheme.

(10) In case of any injury caused to a person employed under the Scheme by accident arising out of and in the course of his/her employment, such person shall be provided with medical treatment free of charge.

(11) Where hospitalization of the injured worker at the work site is necessary, such arrangements shall be made including accommodation, treatment and medicines. The injured worker shall be paid a daily allowance not less than half of the wage rate required to be paid had the injured been engaged in the work.

(12) If the person employed dies or becomes permanently disabled by accident arising out of and in the course of employment, he/she shall be paid an *ex-gratia* at the rate of Rs. 25,000/- or such amount as may be notified by the Central Government, and the amount shall be paid to the disabled or legal heirs of the deceased, as the case may be.

(13) In case of any personal injury caused by accident to a child accompanying any person employed under the Scheme, such person is entitled to free of charge medical treatment for the child and in case of death or disablement, an *ex-gratia* as determined by the Government.

8. Implementation arrangements.—(1) At the village level the Gram Panchayat shall be the principal authority for planning and implementation of the Scheme. The Gram Panchayat shall be responsible for identification of the works in the Gram Panchayat area as per the recommendations of the Gram Sabhas and for executing and supervising such works.

(2) The Panchayat Secretary shall be responsible for receiving applications for registration and for issuance of Job Cards. There shall be a Gram Rozgar Sevak to assist the Panchayat Secretary in maintaining the records and also to assist the Technical Personnel of the respective Executing Agencies.

(3) At the Taluka level, the Block Development Officer who will act as a Programme Officer shall

be the principal authority for planning and implementation of the Scheme with the assistance of Block Advisory Committee and they shall, assist the Gram Panchayats in carrying out its functions under the Scheme. The Programme Officer shall be provided with such additional support as prescribed by Government of India. In addition to the Block Development Officer at the Block level, separate Programme Officer will be posted at the block level.

(4) The Programme Officer will have a critical role in co-ordinating implementation processes at the village level. He/She will be responsible for scrutinizing the Gram Panchayat Rural Employment Guarantee Scheme plans, ensuring that they match with demand for employment, that implementing agencies start works on time, that the demand for employment is met within time and workers receive their due entitlements. His important functions include ensuring the social audit by the Gram Sabha, disposing complaints and grievance redressal. The Programme Officer will assist the Panchayats in its functions under the Scheme. The Programme Officer shall function under the direction, control and superintendence of the District Programme Co-ordinator and the Block Development Officer.

(5) There shall be an Additional Programme Officer at each Taluka level. The Additional Programme Officer shall be a full-time dedicated officer and may be taken on deputation or on contract.

(6) At the District level, the Zilla Panchayat shall be the principal authority for planning and implementation of the Scheme. The Zilla Panchayat shall approve the District Rural Employment Guarantee Scheme Plans, which include its own proposals and project proposals received from other Line Departments, other executing agencies such as any local authority or Government undertaking or non governmental organization authorized by the Central or the State Government, reputed NGO's having a proven track record performance, co-operative societies with a majority share holding by the Central or the State Government and self help groups, to undertake the implementation of any work taken under the Scheme. It shall also review the programme implementation, supervise and monitor projects taken up at the District and Village level.

(7) The Project Director of respective DRDAs shall be the District Programme Co-ordinator for

the implementation of the Scheme in the District. He/She shall be assisted with such support as may be required from time to time.

(8) Zilla Panchayat Office shall be placed with supporting staff to assist CEO in finalization of plan for co-ordination and implementation of the Scheme in the District, as may be required from time to time.

(9) At the State level, the Secretary, Rural Development and Panchayat Raj Department (entrusted with the charge of the scheme) shall be the State Programme Co-ordinator. He/She shall be assisted by the Director and such other subject specialists and support staff as may be required from time to time.

(10) The State Government shall set up the Employment Guarantee Fund, provide Budget provision for and release the State share, conduct impact assessment and evaluation studies. The State Government shall set up the Goa State Employment Guarantee Council under Section 12 (1) of the National Rural Employment Guarantee Act, 2005. The Goa State Employment Guarantee Council shall be the advisory body for the purpose of the Goa Rural Employment Guarantee Scheme.

(10) Non-Governmental Organizations may be involved as partners in community mobilization, capacity building, social audit and monitoring of processes relating to rights and entitlements of the workers.

9. Registration and issuance of Job Card. – (1) Any adult person of a household may on behalf of the members of the household apply to the Gram Panchayat, in the jurisdiction of which they reside, for registration of their household under the Scheme and for issuance of a Job Card. The application may be in a printed form or on a plain paper containing the names of the adult members, their age, and address of the household. The Panchayat Secretary shall receive applications and issue a dated receipt and enter the details in the Register of applications for Registration. After that, the Panchayat Secretary shall make due enquiry and issue the Job Card.

The Panchayat Secretary shall also maintain these details in the household Job Card issue register. Stamp size photographs of the adult members of the household must be affixed to the Job Card within one month from the date of issue of the Job Card.

(3) The Panchayat Secretary shall update the household Job Card at the time of payment of wages. The wage-days provided and the wages paid to the workers shall be reflected in the Job Card and the Employment Register.

(4) Addition or deletion of members eligible to seek work shall be carried out in the Job Card as and when required. The updated list shall be sent to the Programme Officer, every month.

(5) A card holder may apply to the Gram Panchayat for a duplicate card if the original card is lost or damaged. The Panchayat Secretary shall verify the case and issue a duplicate card within seven working days of receipt of the application, after collecting the fee as may be prescribed.

10. Application for work and work allotment. –

(1) Individuals/Groups of wage-seekers having Job Cards shall give individual or group applications, as the case may be, on a plain paper or in a printed form. Advance application giving details of the specific period of employment sought in the year may also be submitted.

The same person/group may submit multiple applications provided that the corresponding periods for which employment is sought do not overlap.

(2) The Gram Panchayat Secretary shall accept the applications for work.

The applications shall be valid if the wage employment sought by a household is at least for fourteen days and the aggregate employment provided to the household is not more than hundred days. List of all such applications shall be maintained in Employment Demand Register.

(3) The Gram Panchayat shall direct the applicant or group of applicants in writing to work in any ongoing work or by starting a new work, within fifteen days of receiving applications seeking work or from the date of work being sought in case of advance application, whichever is later.

Public notices of intimation in respect for work shall be communicated.

(4) Disabled persons may be provided wage-employment by entrusting suitable work in the form of services that are identified as integral to the programme.

(5) If it is not possible to provide work within the Gram Panchayat area, the Gram Panchayat Secretary shall forward the applications for work to the Programme Officer. The Programme Officer shall co-ordinate with other Gram Panchayats within the Taluka and issue letters of employment to the applicants in the Gram Panchayat where work is available, by marking a copy to both the Panchayat Secretaries concerned.

11. Unemployment allowance.— (1) If an applicant is not provided employment within fifteen days of receipt of the application seeking work or from the date on which the employment has been sought, in case of advance application, whichever is later, he/she can apply to the Panchayat Secretary for unemployment allowance. The Panchayat Secretary shall forward such applications to the Programme Officer who shall, after due enquiry, sanction the unemployment allowance or reject the application as the case may be.

(2) The liability of the Panchayat to pay unemployment allowance to any household shall cease as soon as one or more of the following conditions are fulfilled:

(i) The applicant is directed by the Gram Panchayat or the Programme Officer to report for work either by himself or depute at least one adult member of his/her household;

(ii) The period for which employment is sought comes to an end and no member of the household of the applicant had turned up for employment;

(iii) The adult members of the household of the applicant have received in total at least one hundred days of work within the financial year;

(iv) The household of the applicant has earned as much from the wages and unemployment allowance taken together which is equal to the wages for one hundred days of work during the financial year.

12. Type of works.— The focus of the Scheme shall be on the following works in their order of priority:

(i) Water conservation and water harvesting;

(ii) Drought proofing (including afforestation and tree plantation);

(iii) Irrigation canals, including micro and minor irrigation works;

(iv) Provision of irrigation facility to land owned by households belonging to the Scheduled Castes and Scheduled Tribes or to land of beneficiaries of land reforms or that of the beneficiaries of Indira Awas Yojana of the Government of India programme;

(v) Renovation of traditional water bodies including desilting of tanks;

(vi) Land development;

(vii) Flood control and protection works, including drainage in waterlogged areas;

(viii) Rural connectivity to provide all-weather access;

(ix) Any other work, which may be notified by the Central Government in consultation with the State Government;

(x) Such other works notified by the State Council.

In order to ensure that the adequate investments under Employment Guarantee Scheme are channelised for plantation programmes, a minimum of 20% of the value of works taken up in a village shall be on plantation programme. Roads can be taken up as last priority not exceeding 10% of the value of all the works.

13. Planning for shelf of works.— (1) The annual planning process for the next financial year should be completed by the December end of every year, including approval of the plan by the Zilla Panchayat. The District Programme Co-ordinator shall prepare a labour budget for the next financial year containing the details of the anticipated demand for unskilled manual work in the district, which shall be the basis for planning.

(2) The District Programme Co-ordinator shall work out the value of all works that need to be taken up to meet the anticipated labour demand and communicate the value of works to be identified by the Panchayat Raj Institutions, among Gram Panchayats, and Zilla Panchayat, in proportionate ratio of 60:40 which can be relaxed by the State Council.

(3) The Panchayat Raj Institutions i.e., Gram Panchayat and Zilla Panchayat shall be the units for maintaining the proportion between wage and material component in the ratio of 60:40 in respect of the works proposed by them. The material component shall include material and skilled/semi-skilled labour.

(4) The Gram Panchayat shall facilitate conduct of Gram Sabhas for identification and prioritization of works within the allocations indicated to it by the District Programme Co-ordinator.

(5) The Gram Panchayat shall approve it as the Gram Panchayat Rural Employment Guarantee Scheme Plan duly showing the priority of the works.

(6) The Gram Panchayat shall forward its Rural Employment Guarantee Scheme Plan to the Programme Officer along with the indication of works it proposes to execute by itself.

(7) If the identified works are not sufficient to meet the anticipated wage demand, the Programme Officer/BDO can call for additional proposals from the Gram Panchayat.

(8) The Programme Officer/BDO shall scrutinize the annual plan received from the Gram Panchayat for its technical feasibility and satisfy himself that the plan meets the likely demand for employment based on the registrations and previous experience.

(9) The Programme Officer/BDO shall examine the proposals in the annual plan (and record observations on the proposals and submit a consolidated statement of proposals to the District Programme Co-ordinator, with a copy to Zilla Panchayat).

(10) The Programme Officer/BDO shall propose works within the allocations indicated by the District Programme Co-ordinator. The Programme Officer/BDO shall assign priority to the works proposed by it. The Programme Officer shall consolidate the Rural Employment Guarantee Scheme plans received from the Gram Panchayats and submit the same to the District Programme Co-ordinator for approval with a copy to the Zilla Panchayat for approval. The Zilla Panchayat shall maintain the priority indicated by the Gram Panchayats. It shall not reject the work proposed by the Gram Panchayats. The Programme Officer

shall forward the approved Taluka Rural Employment Guarantee Scheme plan to the District Programme Co-ordinator.

(11) The District Programme Co-ordinator shall scrutinize the plan proposals of all the Panchayats examining the adequacy and appropriateness of works in terms of likely demand as well as their technical and financial feasibility. He/she will also invite and examine work proposals from other executing agencies such as any local authority or Government undertaking or non governmental organization authorized by the Central or the State Government, reputed NGO's having a proven track record performance, co-operative societies with a majority share holding by the Central or the State Government and self help groups. The Zilla Panchayat shall propose works within its allocation and submit the same to the District Programme Co-ordinator. The District Programme Co-ordinator shall accord administrative sanctions for all the works approved under the Block/District Employment Guarantee Scheme plan. The administrative sanction proceedings of the District Programme Co-ordinator shall clearly show the priority number of the work as indicated by the Gram Panchayat/Zilla Panchayat and also the details of the executing agency.

(12) Each work administratively sanctioned shall be assigned a unique identification number.

(13) The list of works administratively sanctioned should be forwarded to the Programme Officer who will send it to the concerned executing agencies for technical sanctions. The technically sanctioned works should be sent back to the Programme Officer, who shall maintain these as Shelf of Works.

14. *Rural standard schedule of rates.*— The Goa Schedule of Rates as notified by the Government from time to time will be made applicable to the works under this scheme. The unit rates for different types of tasks shall be so fixed, that a worker will be able to earn minimum wages fixed by State Government from time to time through seven hours of work per day.

15. *Estimation and technical sanctions.*— Estimates shall be prepared by the Extension Officer, Assistant Engineers, Rural Engineerings/Junior Engineers attached to Block Development Officer and/empanelled engineers of DRDA's. Technical sanction shall be accorded upto Rs. 2.00

lakhs by the Assistant Engineer and upto Rs. 6 lakhs by the Executive Engineers of PWD of the respective Blocks/Executive Engineers of DRDA's Technical sanction above Rs. 6 lakhs and upto Rs. 10 lakhs be accorded by the Executive Engineer of DRDA's/PWD/Z.P. where Assistant Surveyor of Works is available.

16. *Execution of works.*— (1) At least 50% of the works in terms of cost shall be allotted to Gram Panchayats for execution. Based on the demand for employment from the wage seekers the Gram Panchayat Secretary shall request Programme Officer to issue letters for commencement of works. The Programme Officer shall issue letters for commencement of works to the Gram Panchayats, line departments or other recognized agencies, strictly following the order of priority indicated in the administrative sanction proceedings issued by the District Programme Co-ordinator. Every Gram Panchayat shall maintain a Register of Works for which commencement letters are received for the financial year.

(2) On receiving the commencement letter, the executing agencies shall start the work immediately.

(3) While executing the works, the norms under the Scheme shall be followed.

(4) The Muster Rolls shall be supplied by the District Programme Co-ordinator to Programme Officer. Each Muster Roll shall be uniquely numbered. The Programme Officer will issue the duly numbered Muster Rolls to executing agencies, which shall maintain such Muster Rolls for every work. The executing departments shall also maintain a stock register of the Muster Rolls. The Muster Rolls shall be closed once a week or two weeks for making wage payments.

17. *Wages for unskilled labourers.*— (1) Equal wages shall be paid to both men and women. The payment of wages shall be made at least once in a fortnight. The district-wise average wage earned by the workers shall also be brought to the notice of the State Council every year. The Gram Panchayat will be the single window for wage-payment to unskilled labourers, irrespective of the executing agency.

(2) It shall be ensured that the number of days of work and payment are entered in the household Job Card and the same shall also be entered in the

Employment Register maintained at the Gram Panchayat level. In respect of all villages where there is a Bank Branch or a Post Office within the village, a worker shall be assisted to open an account so that their wages can be adjusted to their accounts.

18. *Closing of works and data management.*— The work shall be closed by the executing agency with a completion report. Each Gram Panchayat and every executing agency shall maintain a register of all works sanctioned, executed and completed.

19. *Audit of accounts.*— Audit of the accounts under the Scheme shall be compulsory. Regular audit of accounts of Gram Panchayat and Zilla Panchayat will be conducted by the respective Statutory Auditors as per the Rules in vogue. The District Programme Co-ordinator shall arrange to conduct Financial Audit of the Scheme accounts of the District, by the registered Chartered Accountants empanelled by the State Government.

20. *Vigilance and Quality Assurance.*— (1) Independent Vigilance and Quality Assurance teams shall be engaged to monitor the implementation of the Employment Guarantee Scheme.

(2) The Village Committee constituted under Goa Panchayat Raj Act shall also function as the Village Vigilance and the Monitoring Committee under the Scheme at the village level.

21. *Social audit and right to information.*— (1) Social audit shall be taken up to make the planning, implementation and evaluation of Employment Guarantee Scheme more participatory, transparent and accountable. Social audit shall not be retrospective but an ongoing process of participation to ensure that legal guarantees and entitlements flow to the workers in a legitimate way. Social audit shall be done in three stages—before, during and after implementation. Social audit shall be integrated into the critical activities of Employment Guarantee Scheme.

(2) An Information Wall/Board shall be built by the Gram Panchayat at Gram Panchayat headquarters. One side of the Wall/Board shall be painted with long term information like task-wise wage rates to be adopted for the year, non-negotiables, important guidelines, shelf of works

identified etc. The other side of the Wall/Board shall be updated with weekly information like work wise number of labour working; materials procured and consumed expenditure, etc.

(3) An Officer nominated by the District Programme Co-ordinator at the District level, the Programme Officer at the taluka level and the Panchayat Secretary at the Gram Panchayat level shall be the Public Information Officers for the Scheme, under the Right to Information Act, 2005. The District Programme Co-ordinator shall be the appellate authority. The Public Information Officers shall make available copies of the documents/ registers for verification and sale on cost as per the provisions of the Right to Information Act, 2005. The Programme Officer shall make available to the Gram Panchayats the estimates of the works commenced.

22. Monitoring and evaluation.—(1) 100% of the Scheme works shall be inspected by the Taluka level officers, at least 10% of the works by District level officers and at least 2% of the works by State level officers. The State Government shall designate Senior Officers for each District for effective monitoring of the Scheme.

(2) The Gram Panchayat Secretary shall fill the Management Information System format and send to Programme Officer. The Programme Officer shall compile and analyse this data and take appropriate remedial actions. He/She shall forward the reports to District Programme Co-ordinator with specific remarks. The District Programme Co-ordinator shall send the reports to the State Programme Co-ordinator/Joint Secretary (R.D.) monthly. The State Programme Co-ordinator/Joint Secretary (R.D.) shall submit reports, monthly to the Government of India. The State Employment Guarantee Council shall submit an annual report

to the State Legislature regarding the implementation of the scheme.

(3) The State Programme Co-ordinator shall empanel reputed agencies to carry out impact assessment of the scheme from time to time. The District Programme Co-ordinator shall engage agencies to carry out studies specific to district, which are not covered by the agencies employed by State Programme Co-ordinator. The Impact Assessment Reports shall be placed before the State Employment Guarantee Council and also submitted to the Government of Goa and the Government of India. The State Programme Co-ordinator shall take appropriate measures based on the findings of the above studies.

23. Grievance Redressal Mechanism.— All grievances regarding the implementation of the Scheme shall be enquired into and action initiated within seven days by the Panchayat Secretary at Village level, Programme Officer at the Taluka level and District Programme Co-ordinator at the district level. Details of the grievances received and disposed off at each level should be maintained in the Grievances Register. Acknowledgements shall be given for any complaint/report of grievances received.

24. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Scheme, the State Government, may by order published in the Official Gazette, make such provisions not inconsistent with the provisions of the National Rural Employment Guarantee Act, 2005 as appear to it to be necessary or expedient for removing of the difficulty.

G. P. Pilarnekar, Project Director & ex officio Joint Secretary (R.D.).

Panaji, 23rd June, 2008.